IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6532 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHESHAM HOTU BUXANI

Versus

REGIONAL PASSPORT AUTHORITY GUJARAT STATE

Appearance:

1. Special Civil Application No. 6532 of 2003

MR DAKSHESH MEHTA for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 10/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Sr. Standing

Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. It has been submitted by learned advocate Shri Dakshesh Mehta appearing for the petitioner that possibly because of some mistake committed at the time of applying for the passport, his place of birth was shown as Baroda though in fact the petitioner was not born in Baroda but because at the relevant time he was staying in Baroda and, therefore, through oversight, while submitting an application for passport, in the application Baroda was stated.

3. In the circumstances, the petitioner wants that his correct place of birth be recorded in his passport.

4. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner it has been stated that the place of birth of the petitioner is Baroda. Now the petitioner has come with a different case. However, it has been submitted that if the petitoner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct place of birth of the petitioner is Hong Kong, a new passport stating the correct place of birth shall be issued to him.

5. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority again with relevant documents and evidence to show that the petitioner was in fact born in Hong Kong. If the authority is satisfied that the correct place of birth of the petitioner is Hong Kong, I am sure that the authority shall issue a new passport recording the correct place of birth.

6. The amount of Rs. 5,000/-, which the petitioner has deposited with this court by way of costs, is permitted to be withdrawn by the respondent authority.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)